THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

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WRIT PETITION No.21421 OF 2005

Dt: 05.10.2005

Between:

T.Manohar, S/o.Pedda Pullanna

C/o.Vasudevapuram, Puvvuru

Cuddapah District … PETITIONER

AND

Secretary to Govt., of A.P.,

Home Department, Secretariat, Hyderabad

and others … RESPONDENTS

THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT PETITION No.21421 OF 2005

ORDER: ***(per the Hon'ble Smt.Justice T.Meena Kumari)***

This Writ Petition is filed by the petitioner to quash the Order dated 20.03.1998 in

O.A.No.7289 of 1996 and the Order dated 17.02.2005 in Rev.M.A.No.3085 of 1998 in O.A.No.7289 of 1996 and to direct the respondents to consider his case for appointment to the post of Sub-Inspector of Police in B.C.'A' category by following the rule of reservation.

The petitioner has filed the above O.A. to declare the action of the respondents in not following the rule of reservation as illegal and to direct the respondents to consider his case for appointment to the post of Sub Inspector (Civil) under B.C. 'A' category in Zone IV. Contesting the same, the respondents have filed a counter-affidavit. The Tribunal after hearing the arguments of both the sides and after perusing the material, particularly copy of the roster register, dismissed the application on the ground that there is no illegality or irregularity in the selection made by the respondents, against which, a review application was filed by the petitioner and the same was dismissed for default on 17.02.2005. Challenging the said orders, the present Writ Petition has been preferred.

Heard the learned counsel.

Learned counsel for the petitioner has contended that the Tribunal ought to have decided the Rev.M.A. on merits instead of dismissing it for default.

The petitioner at paragraph 5 of his affidavit has stated that the counsel who appeared before the Tribunal could not attend the Court when the Rev. M.A. was listed on 17.02.2005 and hence, the Tribunal dismissed the Rev.M.A. for default and when he enquired about the latest position of his case through the counsel, he came to know that Rev. M.A. was dismissed for non-prosecution.

Having regard to the facts and circumstances of the case, we set aside the Order passed in the review application and remand the matter back to the Tribunal. The Tribunal shall dispose of the review application in accordance with law within a period of three months from the date of receipt of a copy of the Order.

The Writ Petition is allowed to the above extent.

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T.MEENA KUMARI, J

P.LAKSHMANA REDDY, J

Dt: 05.10.2005

bsv/lvl